

IN THE CLAIMS

1. (Currently amended) A vial for use in a level, the vial comprising:
  - a body having first and second ends, a midpoint, and interior and exterior surfaces, the interior surface defining a barrel-shaped cavity, the cavity having a maximum diameter near the midpoint;
  - ~~at least one first and second marker ring rings connected with respect to the body, the at least one marker ring visible from outside the exterior surface on either side of the midpoint and visible from the outside of the vial;~~
  - a ~~liquid and gas~~ bubble positioned in the cavity, the bubble defined by the ~~liquid-gas~~ air-interface; and
  - first and second dark-colored bands circumscribing the cavity, the first band positioned between the first end and the ~~midpoint~~ ~~first marker ring~~ and the second band positioned between the second end and the ~~midpoint~~ ~~second marker ring~~;

whereby the interface reflects the first and second dark bands such that the interface appears dark-colored when viewing the bubble ~~from outside the exterior surface~~ to enhance visibility of the bubble.

2. (Original) The vial of claim 1 wherein the bands are opaque.

3. (Original) The vial of claim 1 wherein the bands are on the exterior surface of the body.

4. (Original) The vial of claim 1 wherein the bands are on the interior surface of the body.

5. (Original) The vial of claim 1 wherein the bands are between the interior and exterior surfaces of the body.

6. (Original) The vial of claim 1 wherein the bands are integral with the body.

7. (Currently amended) The vial of claim 1 wherein the body includes first and second dark end closures.

8. (Withdrawn) The vial of claim 7 wherein the end closures are dark-colored.

9. (Withdrawn) The vial of claim 1 wherein the vial includes first and second marker rings equidistant to the maximum diameter, the first ring positioned between the maximum diameter and the first end and the second ring positioned between the maximum diameter and the second end.

10. (Withdrawn) The vial of claim 9 wherein the rings are positioned between the interior and exterior surfaces.

11. (Currently amended) A level for improved measurement, the level comprising:
  - a measuring surface for contacting an element to be measured;
  - a recess formed in the level at an angular relationship to the measuring surface; and
  - a vial received in the recess, the vial comprising:
    - a body having first and second ends, a midpoint, and interior and exterior surfaces, the interior surface defining a cavity, the cavity having a maximum diameter near the midpoint;
    - ~~at least one first and second marker ring~~ rings connected with respect to the body; ~~the at least one marker ring visible from outside the exterior surface on either side of the midpoint and visible from the outside of the vial;~~
    - a liquid and gas bubble positioned in the cavity, the bubble defined by ~~an the~~ liquid-gas interface; and
    - first and second dark-colored bands circumscribing the cavity, the first band positioned between the first end and the ~~midpoint~~ first marker ring and the second band positioned between the second end and the ~~midpoint~~ second marker ring;

whereby measuring the element is facilitated by reflection of the first and second dark bands on the interface such that the interface appears dark-colored when viewing the bubble.

12. (Original) The level of claim 11 wherein the bands are opaque.
13. (Original) The vial of claim 11 wherein the bands are on one of the surfaces of the body.
14. (Original) The vial of claim 11 wherein the bands are between the interior and exterior surfaces of the body.
15. (Original) The vial of claim 11 wherein the bands are integral with the body.

16. (Original) The vial of claim 11 wherein the vial includes first and second marker rings equidistant to the maximum diameter, the first ring positioned between the maximum diameter and the first end and the second ring positioned between the maximum diameter and the second end.

17. (Withdrawn) The vial of claim 9 wherein the rings are positioned between the interior and exterior surfaces.

18. (Withdrawn) A method of measuring the levelness of an element, the method comprising:

- providing a level having a measuring surface and a vial positioned at a predetermined angular relationship thereto, the vial comprising:
  - a body having first and second ends, a midpoint, and interior and exterior surfaces, the interior surface defining a cavity;
  - at least one marker ring connected with respect to the body, the at least one marker ring visible from outside the exterior surface;
  - a bubble positioned in the cavity, the bubble defined by an interface; and
  - first and second dark-colored bands circumscribing the cavity, the first band positioned between the first end and the midpoint and the second band positioned between the second end and the midpoint;
- positioning the measuring surface on the element; and
- assessing the levelness of the element by locating the bubble with respect to the at least one marker ring;

whereby the bands facilitate locating the bubble by reflecting off of the interface to increase visibility of the bubble.